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THE
SEVERAL
PROTESTS

Made in the
HOUSE
OF
LORDS,

FROM
November 13. 1721. to February
20. 17²¹₂₂.

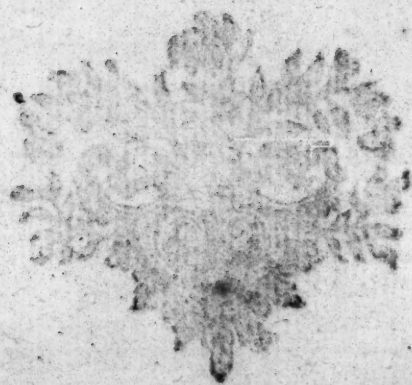


L O N D O N :

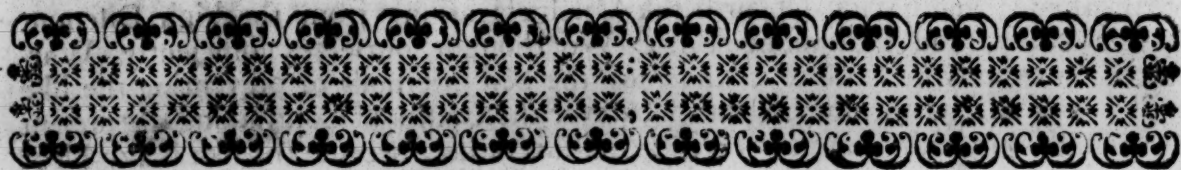
Printed by A. MOORE, near St. Pauls, 1722.

2

THE
GENERAL
PROTESTS



LONDON:
Printed by A. Moore, near St. Pauls, 1755.



T H E

L O R D S

Protest, &c.

Die Lunæ 13^o Novemb. 1721.



H E House (according to Order) proceeded to take into Consideration His Majesty's most Gracious Speech from the Throne: And the same being read,

A Motion was made that this House do, on *Friday* next, take into Consideration the Causes of Contracting so large a Navy Debt, and the best Methods of preventing the like Debt for the future.

And a Question being Stated thereupon.

It was Propos'd to leave out these Words, *viz. And the best Methods of Preventing the like Debt for the future.*

Content 22.
Not Content 64.

Then the Question was put, Whether the said Words shall stand Part of the Question?
It was Resolved in the Negative.

Dissentient.

I. Because the principal Ends of all Parliamentary Inquiries into Mismanagements, being to prevent the like for the future, We thought it more agreeable to the Candour, and Honour of the House, to express it plainly in the Question itself, than to leave it to be implied only, and the rather, because it seem'd to us, the Words left out clearly Imported, that nothing Personal was in view; but the Publick Good only, which, we thought, would rather have given Satisfaction to the Mind of every Noble Lord, than the contrary.

II. When the Words now Order'd to be left out, were, for the Reason, so properly and naturally (as We conceive) made a Part of the Question, We could not but apprehend that the laying them aside, on a Debate, might create a Suspicion, tho' unjust, that this House did not intend to prevent, if possible, the contracting a large, and Inconvenient Navy Debt for the future.

III. His Majesty having in his Speech from the Throne, Observed, The ill Consequences that arise from such a large Debt, remaining unprovided for; We thought it very proper, if not necessary, in the Resolution taken, to enter into the Consideration of that Debt, to express a Desire of preventing the like Inconvenient Debt being contracted for the future; and, that the doing so, did not pre-judge the Causes of Contracting the present Great Navy-Debt; for, however necessarily, or justifiably, an inconvenient Thing may have once happen'd, yet, We think, it ought, if it can be prevented, from happening so again.

B

IV. His

IV. His Majesty having likewise Observed in his Speech from the Throne, That this Part of the National Debt, is, of all others, the most heavy, and burthensome; and having set forth the Mischiefs arising from the high Discount on the Navy, and Victualling Bills, We thought ourselves sufficiently Warranted to express a Desire to consider of the best Methods of preventing the like most heavy and burthensome Debt, whatever the Causes of Contracting the present Debt shall, on enquiry, appear to be: And this rather, because the like Navy-Debt can bring no manner of Benefit either to the Publick, or to any private Person, but to such as by fore-seeing when it is either to be discharged, or provided for, may make an excessive Advantage to themselves, by buying up the said Bills, while under a very high Discount.

W. Ebor.
F. Roffen,

Wharton,
Scarsdale,
Strafford,
Aberdeen,
Bristol,

Sallisbury,
Comper,
Aylesford,
Bathurst,
Bingley,

Guildford,
North and Grey,
Boyle,
Ashburnham
Trevor.

Die Mercurii 15^o Novemb. 1721.

The House, according to Order, proceeded to take into further Consideration, His Majesty's most Gracious Speech from the Throne, and after Debate, the Question was put, That an humble Address be presented to his Majesty, that he will be graciously pleased to give Orders, that the Instructions given by his Majesty to the Lord Carteret, as Minister, or Plenipotentiary to the Crown of Sweden, or any other of the Northern Crowns, may be laid before this House?

It was Resolved in the Negative.

Dissent.

I. Because we apprehend this to be the first Instance found in our Journals, where Lords have moved for a sight of Instructions, of any kind, and have not been supported in that Motion, and tho' we wish it may be the last, yet have we just Reason to fear that such a Precedent, once made, will not fail of being followed in succeeding Times.

II. Because we do not apprehend how the calling for Instructions, after the Conclusion of the Treaty to which they relate; and the Intervention of a General Act of Pardon, can be hurtful either to the Publick, or even to the Ministers transacting such Treaties; but the refusing to call for those Instructions, may, in our Opinion, be a Matter of dangerous Consequence, in as much as it tends to discourage Enquiries of this kind for the future, and by that Means to embolden, and skreen Guilty Ministers hereafter.

III. Because, tho' we acknowledge the Right of Peace and War to be in the Crown, yet we must be of Opinion, that this House hath always a Right to enquire into the Transactions of Ministers, employed under the Crown, and to Censure their Conduct, when Justice requires it, which cannot well be done, unless it be first known what sort of Instructions they received, and how far they have, or ought to have comply'd with them; and this seems to us more particularly Necessary, since the Act of Succession has declared, That the Kingdom shall not be engaged in a War, on Account of any of the King's Foreign Dominions: All Treaties therefore with Princes in the North, should, above all Others, be made in the plainest, and most unexceptionable Terms; or if the way of Wording such Treaties shall occasion any Doubt, no Method of clearing it should be neglected or avoided, that so this House and the whole Kingdom may be satisfied, that nothing has passed derogatory to the Act, which is the Basis on which our present Happy Establishment is founded.

W. Ebor.
Wharton,
North and Grey,
Guildford,
Comper,
Oxbridge,
Boyle,
Bingley,

Strafford,
Scarsdale,
Aylesford,
Bristol,
Aberdeen,
Bathurst,
F. Roffen.

Die

Die Lunæ 20^o Novembris, 1721.

The House (according to Order) proceeded to take into further Consideration His Majesty's most Gracious Speech. And after Debate,

A Motion being made, That an Humble Address be Presented to his Majesty, humbly to desire that his Majesty will be graciously pleased to give Orders, That the Treaty of Commerce, whereby the former Treaties of Commerce are renewed with *Spain*, may be laid before this House, and the Question being put,

Content 22.

Not Content 59.

It was Resolved in the Negative.

Dissentient,

Because, as we believe, the refusing to Address for a Treaty, which has been Concluded and Ratified so long since, is altogether unprecedented; and we conceive this, of all others, ought not to have been made a Precedent, where the Treaty desired to be call'd for hath been twice mentioned from the Throne, to both Houses of Parliament; and the last Time in his Majesty's Speech at the opening of this Session, expressly (as we cannot but apprehend) Recommended to the Consideration of both Houses of Parliament.

W. Ebor.

Fra. Roffen.

Eran. Cestriens,

Wharton,

Strafford,

Aberdeen,

Aylesford,

Bristol,

Cowper,

North and Grey,

Guilford,

Boyle.

Bingley,

St John,

Bletfoe,

Bathurst.

Die Martis 5^o Decembris, 1721.

A Motion was made, That the employing great Numbers of Sea-men for several Years last past, more than were provided for by Parliament, was one great Cause of Contracting so large a Navy-Debt, and of increasing the same, from the Sum of 764,088 l. 3 s. 11 d. which was the Neat Debt of the Navy, from the 31st of December, 1717. to the Sum of 1641937 l. 17 s. 8 d. $\frac{3}{4}$ which was the Neat Debt of the Navy on the 31st of September last.

Content 22.

Not Content 48.

And a Question being stated thereupon, the Previous Question was put, Whether the said Question shall be now put? It was Resolved in the Negative.

Dissentient.

Because the main Question being so True in every Particular, that as we could observe, the Truth thereof was not denied by any Lord in the Debates, but seems to Us, to be admitted, by the proposing and carrying the Previous Question, We think it highly expedient, That the Main Question should have been put and Voted in the Affirmative, to the End we might have expressed our Disapprobation, at least, of the Practice of employing greater Numbers of Sea-men in the Fleet, for several Years last past, than were provided for by Parliament (when the Occasion for employing them, could not, in our Opinion, but be fore-seen) and by such, our Disapprobation might have discouraged, in some measure, that Practice for the future, and prevented the increasing the Navy Debt again, by the like Proceedings.

Strafford,

Trevor,

Litchfield,

F. Roffen,

Gower,

Cowper,

Bathurst,

Aylesford,

St. John de Bletfoe

Guilford,

Foley,

Bristol

North and Grey.

Die Mercurii 6° Decembris, 1721.

A Petition of the Lord Mayor, Aldermen and Commons of the City of London, in Common-Council assembled, was presented to the House and Read, setting forth, That it appearing by the Inspection of the Journal of this House, that their Lordships have now, under Consideration, the Amendment of an Act passed in a late Session of Parliament: Entituled, *An Act for Repealing an Act made in the Ninth Year of the Reign of her late Majesty Queen ANNE, Entituled, An Act to oblige Ships coming from Places infected, more effectually to perform their Quarantine; and for the better preventing the Plague being brought from Foreign Parts, into Great Britain, or Ireland, or the Isles of Guernsey, Jersey, Alderney, Sark, or Man; and to hinder the spreading of Infection.* That the Petitioners conceive, that in some Clauses of that Act, not only the Rights, Privileges, and Immunities, but the Trade, Safety and Prosperity of the City of London, are highly concerned: And praying that they may be heard by their Council, or otherwise, in relation to the said Act, at such Time, and in such Manner, as their Lordships shall judge most proper and expedient

Content 48.
Not Content 22.

And a Motion being made, that the said Petition be Rejected; after Debate, the Question was put, Whether the said Petition be rejected? It was Resolved in the Affirmative.

Dissentient.

I. Because the Liberty of Petitioning the King, (much more that of petitioning either House of Parliament) is the Birth-Right of the Free People of this Realm, claim'd by them, and Confirm'd to them soon after the Revolution, in an Act declaring the Rights and Liberties of the Subject, and settling the Succession of the Crown; and whenever any remarkable Checks hath been given to the free Exercise of this Right, it hath always been attended with ill Consequence to the Publick.

II. Because the Petition so Rejected, was, in our Opinion, every way proper and unexceptionable, both as to the manner of Wording and Presenting it, and the Matter to which it referred; nothing being more Natural and Reasonable than that any Coporate Body, should, if they desire it, be heard, upon any Bill under the Consideration of Parliament: Whereby they judge their particular Interests to be highly, tho' not solely affected. This Liberty, we remember to have been granted, in a late Session, to the Traders of *Norwich*, upon their Petition touching the *Callico-Bill*; nor are aware, That it hath ever, in like Circumstances, been refused to the meanest Corporation in the Kingdom: But if it had, we humbly conceive, that in this Case, a Distinction might have been made in favour of the City of *London*, which being the Centre of Credit, of the Trade and Money'd Interest of the Kingdom; and the Place where the *Plague*, should be visited with it, is most likely first to appear; and having also remarkably suffered, by Means of the late fatal *South-Sea* Scheme, was, we think, in a particular manner, Entitled to apply for Relief against some Clauses in the Quarantine Act, and deserved to have been treated, on that Occasion, with more Indulgence and Tenderness.

III. Because the Rejecting the said Petition tends, we conceive, to Discountenance all Petitions for the future, in Cases of a Publick and General Concern, and, by that Means, to deprive the Legislature of proper Lights, which they might otherwise receive, it being no ways probable, that Subjects or Societies of less Consideration, will venture to represent their Sense in Cases of like nature, after the City of *London*, have been thus refused to be heard.

IV. Because, as the Receiving this Petition could have had no ill Consequences, as we conceive, nor have given any great Interruption to the Business of Parliaments: So the Rejecting may, We think, widen the unhappy Differences that have arisen, and increase the Disaffection to the Government, which has already too much prevailed in this Kingdom.

V. Because the Arguments used in the Debate, seem to Us, not to be of sufficient Force; for we cannot conceive, That because the said Act of Parliament is a general Act, therefore no particular Community, or City, who think they may, in a distinguishing manner, be prejudiced by it, who have a Right to be heard in Relation

Relation to it; and, that at a time when it is under Consideration of Parliament: Nor can We be of Opinion, That a Petition agreed on by the Lord Mayor, Court of Aldermen, and Citizens of *London*, in Common Council assembled, and presented not even by the Numbers allowed by Law, but by a Lord of this House, can possibly be a Prelude or Example towards introducing *Tumultuous Petitions*? much less can we see, why it ought the rather to be rejected, because it came from so great a Body as the City of *London*; on the contrary, We apprehend, that an Universal Grievance which may be occasioned by any General Act, must be represented to the Legislature by particular Persons, or Bodies Corporate, or else it cannot be represented at all. That the rejecting such Petitions, and not receiving them, is, we think, the Way to occasion Disorders and Tumults; and the more considerable the Body is, the more regard should be had to any Application they make, especially for Matters wherein, not only the Rights, Privileges and Immunities, but also the Trade, Safety, and Prosperity are, as the Petition avers, highly concerned.

F. Cestriens,
F. Roffen,

Bristol,
St. John de Bletsoe
Aberdeen,
Boyle,
Litchfield,

Trevor,
Bingley,
Guilford,
Aylesford,
Batburst,

Strafford,
Uxbridge,
Cowper,
North and Grey,
Gower

Die Mercurii 13 Decemb. 1721.

A Motion being made and the Question being put, That a Bill be brought in for the Repeal of so much of an Act passed in the 7th Year of the Reign of his present Majesty, Entituled, An Act for repealing an Act made in the 9th Year of Her late Majesty Queen ANNE, Entituled, *An Act to oblige Ships coming from Places infected, more effectually to perform their Quarantine, and for the better preventing the Plague being brought from Foreign Parts into Great Britain and Ireland, or the Isles of Guernsey, Jersey, Alderney, Sark, or Man, and to hinder the spreading of Infection*: as gives Power to remove to a Lazaret, or Pest House, any Persons whatsoever, infected with the Plague; or healthy Persons out of an infected Family, from their Habitations, tho' distant from any other Dwelling House; and also so much of the said Act which gives Power for the Drawing Lines, or Trenches round any City, Town, or Place so infected;

It was Resolved in the Negative.

Dissentient.

I. Because the Powers specified in the Question, seem to Us, such as can never wisely, or usefully be put in Execution: For, by the first of them, Persons of what Rank or Condition soever, either actually Infected, or being in the same Habitation, tho' in lone Houses, where they are well accommodated, and from whence there is no Danger of Propagating the Infection, may be forcibly removed into common Lazarets or Pest Houses; and it does not appear to Us, That such a Power could, at any time, be reasonably Executed, and therefore we conceive it should be Repealed.

The other Power extends to the drawing of Lines round any City, Town or Place; and consequently round the Cities of *London* and *Westminster*; the very apprehension of which, upon the least Rumour of a Plague, would disperse the Rich, and, by that Means (as well as by hindring the free Access of Provisions) starve the Poor, ruin Trade, and destroy all the Remains of publick and private Credit.

II. Because such Powers as these, are utterly unknown to our Constitution, and repugnant (We conceive) to the Lenity of our Mild and Free Government, a tender regard to which, was shewn by the Act of *jacobi primi*, which took care only to confine infected Persons within their own Houses, and to support them under that Confinement, and lodge the Execution of such Powers solely in the Civil Magistrate; whereas the Powers, by Us, excepted against, as they are of more extraordinary kind, so they will probably, and some of them must necessarily be Executed by Military Force; and the violent and inhumane Methods, which, on these Occasions, may (as we apprehend) be practised, will, we fear, rather draw down

down the Infliction of a new Judgment from Heaven, than contribute any ways to remove that which shall then have befallen Us.

III. Because (we take it) these Methods were copied from *France*, a Kingdom, whose Pattern, in such Cases, *Great Britain* should not follow; the Government there, being Conducted by Arbitrary Power, and supported by standing Armies; and to such Countries, such Methods do, in our Opinion, seem most suitable: And yet, even in that Kingdom, the Powers thus exercised of late, have been unsuccessful as they were Unprecedented, so that no Neighbouring State has any Encouragement, from thence, to follow so fatal an Example.

In the last *Plague*, with which we were visited, *Anno Domini*, 1665; tho' none of these Methods were made Use of, much less Authorized by Parliament, yet the Infection, however great, was kept from spreading itself into the remote Parts of the Kingdom; nor did the City of *London*, where it first appeared, and chiefly raged, suffer so long, in proportion to the Number of its Inhabitants, as other Cities and Towns in *France* have suffered, where these cruel Experiments have been tried.

IV. Because, had such Part of the Act, as we think should be Repealed, been accordingly Repealed, there would still have remained, in it, a general Clause which gives the Crown all Powers necessary to prevent the Spreading of Infection, and consequently these very Powers, amongst the rest, if they should be found necessary; and therefore there is no need (as We conceive) to have them expressly granted in the same Act of Parliament, which seems not only to warrant, but in a particular Manner to prescribe, and direct the Use of them.

V. Because the great Argument urged for continuing these Powers specified in the Question, (that they would probably never be put in Execution in the Cases objected to) seems to us a Clear Reason why they should not be continued; for we cannot imagine, why they still stand enacted, unless they are intended to be Executed; or, of what Use it will be to the Publick, to keep the Minds of the People perpetually allarmed with these Apprehensions under which they now labour, as appears from the Petition of the City of *London* lately rejected.

It may be an instance of our great Confidence in His Majesty's Wisdom and Goodness, when we trust him with such Powers unknown to the Constitution: But we think it ill becomes us, to repose such Trust when it tends, in our Opinion, rather to render him Terrible than Amiable to his Subjects; and when the only Advantage he can (as we conceive) draw from the Trust reposed in him, is not to make Use of it.

<i>W. Ebor.</i>	<i>Strafford,</i>	<i>Aberdeen,</i>	<i>North and Grey,</i>	<i>Boyle,</i>	<i>Weston,</i>
<i>F. Cestriens,</i>	<i>Bingley,</i>	<i>St. J. de Bletsoe,</i>	<i>Coningsby,</i>	<i>Foley,</i>	<i>Guilford,</i>
<i>F. Roffen,</i>	<i>Trevor,</i>	<i>Bathurst,</i>	<i>Aylesford,</i>	<i>Uxbridge,</i>	<i>Cowper.</i>
	<i>Gower,</i>			<i>Bristol,</i>	

Die Martis 19^o Decemb. 1721.

The Order of the Day being Read, for taking into further Consideration His Majesties most Gracious Speech from the Throne.

A Motion be made, and the Question put, That an humble Address be presented to His Majesty, humbly to desire, that his Majesty would be graciously please to give Order to the proper Officers, That the Instructions given to Sir *George Byng*, now Lord Viscount *Torrington*, in Relation to the Action against the *Spanish Fleet* in the *Mediterranean*, may be laid before this House?

And a Question being Stated thereupon, It was Resolved in the Negative.

Dissentient.

I. Because not finding any Instance, on search of the Journals, we believe there is none wherein a Motion for Admiral's Instructions to be laid before the House has been denied, but, on the contrary, there are many Precedents of Instructions of a like Nature, and stronger Cases, as we conceive, address'd for by the House, and several in point for Instructions given to Admirals, particularly

ticularly, to Sir George Rooke, and Sir Cloudefly Shovel; nor does it seem to us at all Material, whether the Conduct of such Admirals had, or had not, been blamed before such Instructions were ask'd for, since the sight of Instructions may be previously and absolutely Necessary to inform the House, whether their Conduct be blameable, or not.

II. Because, we think it highly reasonable that those Instructions should be laid before this House, upon which the Action of the *British* against the *Spanish* Fleet in the *Mediterranean* was founded, without any previous Declaration of War, and, even, whilst a *British* Minister, a Secretary of State, was amicably Treating at *Madrid*; which Court might justly conclude itself secure from any Hostile Attack, during the continuance of such Negotiations.

III. Because 'till we have a sight of those Instructions, and are able to judge of the Reasons, on which they are founded: The War with *Spain*, in which that Action of our Fleet involved us, does not appear, to us, so justifiable as we could wish, and yet it was plainly prejudicial to the Nation, in sundry Respects, for it occasion'd an intire Interruption of our most valuable Commerce with *Spain*, at a Time, when *Great-Britain* needed all the Advantages of Peace, to extricate itself from that heavy National Debt it lay under, and as it deprived us of the Friendship of *Spain*, not easily to be retrieved, so it gave our Rivals in Trade, an Opportunity to insinuate themselves into their Affections, and we conceive, that to that War alone, is owing the strict Union there is, at present, between the Crowns of *France* and *Spain*, which it was the Interest of *Great-Britain* to have kept always divided: an Union, which, in its Consequences, may prove fatal to these Kingdoms, nor does it appear that *Great-Britain* has had any Fruits from this War, beyond being restored to the same Trade we had with *Spain*, before we began it.

W. Ebor.
Strafford,
North and Grey,
Aberdeen,
Bristol,
Bathurst,
Aylesford,

Foley,
F. Cestriens,
Cowper,
Trevor,
Guilford,
Boyle,

Uxbridge,
Scarsdale,
Weston,
Gower,
St. John de Bletsoe,
Compton.

Die Fovis 21^o Decembris, 1721.

Hodie 3^o vice lecta est Billa, Entituled, *An Act for the punishing Mutiny and Desertion, and for the better Payment of the Army, and their Quarters.*

The Question was put whether this Bill with the Amendments shall pass, It was Resolved in the Affirmative

Dissentient.

I. Because we have heard no Arguments to convince us, that there is any Necessity for a greater Number of Troops being kept on Foot at this Time, than there was after the Peace of *Reswick* or the Peace of *Utrecht*, for as to the Argument Urged from the present Disaffection of the People, we are fully perswaded, that the keeping up so great an Army is much more likely to encrease, than lessen such Disaffection.

II. Because this Precedent is likely to be followed in all subsequent Times, there being no probability that a Conjunction can happen, when there will be less apparent Reason for keeping up a great Number of Forces, than at this Time of General Tranquility.

III. Because we conceive there are several Clauses in this Bill, which tends to Overthrow the Civil Powers in this Kingdom, and turn it into a Military Government, and we apprehend it to be our Duty, to take care that so dangerous a Precedent may not be made for any future Time, without an Evident Necessity, and it is plain there is no such Necessity for Erecting this Military Power within the Kingdom in Time of Peace, because the Army was well govern'd without it in the two former Reigns.

IV. That allowing such a Number of Troops were Necessary, yet there is no Reason can be alledg'd, as we apprehend, that they should be constituted in this Expensive manner, which raises the Charge upon this Nation to about double what it was (in time of Peace) in the two former Reigns, and we must, with great Concern, Assert, That the Publick is much less able to bear such an excess at the Present time, than at any former time.

W. Ebor,
Aberdeen,
North and Grey,
Bristol,
Strafford,

Guilford,
F. Roffen,
F. Cestriens,
Foley,
Scarsdale,

Bathurst,
Tadcaster,
Trevor,
Uxbridge.

Die Sabbati 13^o January, 1721.

A Motion was made, That the not paying off his Majesty's Ships, when they came Home from their several Voyages, according to the Ancient Usage of the Navy, but continuing them in Sea-Pay, during the Winter, 'till they went out again, has been one great Cause of contracting so large a Navy-Debt.

And a Question being Stated thereupon, after Debate.

The previous Question was put, Whether the said Question shall be now put? It was Resolved in the Negative.

Dissent.

I. Because; we conceive, the main Question ought to have been put, since the Practice complained of in it, having been from the Year 1690 very frequently represented against to the Admiralty and Treasury, by the Commissioners of the Navy, (the proper Officers to give Advice in such Matters) and, who then were Men of great Experience, Ability and Probity; for being contrary to the Ancient usage of the Navy, giving great Disgust to the Seamen, and causing an unnecessary Expence of the publick Money, we thought it highly reasonable to endeavour, that a stop should be put to this Method, which was attended with so many fatal Consequences, and we cannot but think, the putting and voting the main Question in the Affirmative, would have greatly conduced to that End.

II. Because it did not appear necessary, at a Time, when so few Men were either Granted, or indeed Demanded, for the Service of one Year, that the Seamen should be treated with so much Severity, as not to be paid off according to the Ancient usage of the Navy, but kept in floating Prisons, as the said Commissions of the Navy very well express it, especially since we find that during the late Wars, when 40000 Men a Year were Granted, this was truly thought, by the said Commissioners of the Navy, a way rather to provoke the Seamen to Desert, than encourage them to come into, or continue in the Service; and to be the Principal, if not the only Reason, why 'tis become so difficult to get them again, when wanted.

III. We thought, at this Juncture, when his Majesty had so lately, in a most gracious Speech from the Throne, signified his having so happily Established Peace throughout Europe; it would be proper (if ever) to Use our best Endeavours, that the Seamen might partake of the Benefit of our mild and free Government, and not be liable to greater Hardships, than any of their Fellow Subjects, as we think they will be, if this Practice be suffer'd to continue.

IV. Because such Methods ought to be used, as will most contribute to procure the Affections of the Seamen to the Service, which, we think, the Ancient Usage of the Navy will, in this Case best Effect, by which they will have the Satisfaction to spend that Money within the Kingdom, for the Benefit and Support of their Families as formerly, when their Ships were paid off, at their return home, from their several Voyages; and will, we hope, prevent their Absconding from, and Deserting the Service, and engage them cheerfully

fully to enter into it, whenever there shall be Occasion; whereas, according to the late Practice, by the Opinion of the said Commissioners of the Navy, the Difficulty of getting them in the Spring, chiefly rises from keeping them all the Winter, and yet the Difficulty of getting them again, is assign'd as the only Reason for keeping them in Pay during the Winter, altho' it amounts to an intolerable Charge upon the Kingdom; it appearing by one of the Papers now upon the Table, That keeping them in pay all the Winter, comes to near five times as much as raising them again in the Spring.

V. We cannot but think it a very Unusual way of arguing in a House of Parliament, That a Question ought not to be put, because it is generally admitted to be true, tho' at the same time, there may be too much Reason to believe, that the Practice complained of, will not be alter'd without the Interposition of Parliament.

VI. We cannot conceive, the Treaty with Sweden could make it Necessary, as was alledged, to keep the Men in Pay all the Winter, since it appears, by the Papers upon the Table, that very little or no Time would have been lost, if the old Method of the Navy, of raising them in the Spring had been followed, by which much Money would have been saved to the Publick; especially since their so early arrival there, did neither prevent the landing the Czar's Troops upon Sweden, when and where they pleased; nor, by any Action at Sea, contribute to weaken his Naval strength.

Lastly, We take it to be very clear, that if any Necessity, or sufficient Reason was foreseen, at any time for the Dispensing with this Rule of the Navy, it ought not to have been done without His Majesty's Consent in Council; it being, as We conceive, a Fundamental Maxim in the Government of the Navy, and a most Essential Part of His Majesty's Royal Prerogative, That no Rule of Establishment in the Navy, whether written or unwritten and Customary, ought to be, or can regularly be Abrogated, Alter'd, or Dispens'd with, but by His Majesty's Consent in Council, especially in so weighty a Point as spending the Publick Treasure so much faster than it need have been, in the Proportion above mentioned, and therefore we thought it expedient, that the main Question should have been put and voted in the Affirmative, That this great and useful Prerogative of the Crown might, by Censuring, what we take to be a Breach thereof, (tho' with the Temper recommended from the Throne) have been the better preserved for the Future.

W. Ebor.
Cowper,
Trevor.
Bathurst,

Strafford,
Aberdeen,
Compton,
Uxbridge,

North and Grey,
Guilford,
Gower,
Masham.

Die Mercurii 17^o Jan. 1721.

A Petition of the Clergy, in and about London, was presented to the House, and read, against the passing the Bill, Entituled, *An Act for granting the People called Quakers, such Forms of Affirmation or Declaration, as may remove the Difficulties which many of them lie under.*

And a Motion being made, That the said Petition be rejected. After Debate,
The Question was put, Whether the said Petition shall be rejected?

It was Resolved in the Affirmative.

Dissentient.

I. Because the Right of Petitioning in a legal Manner to legal Purposes, does, we apprehend, appertain, by Law and Usage, to the Free People of this Realm, and is as essential to the Subject, acting within his due Bounds, as the Liberty of Debate is to the Constitution of Parliament; And this Right, as it extends to Petitioning, even for the Repeal of Acts now in force, by which the People think themselves agrieved; so it justifies them yet more, in representing their humble
D Sense

Sense of any new Law while it is under the Consideration of Parliament; nor are the Clergy, we presume, less privileged, in relation to the Exercise of this Right, than any other of his Majesty's Subjects; on the contrary, we believe them as worthy of enjoying it, and as capable of exerting it, to wise and good Ends, as any Rank of private Men in the Kingdom.

II. Because the Petition Rejected is, in our Opinion, proper and inoffensive, as to the nature and manner of it, since it partly relates to the Peculiar Rights of the Clergy in point of Tythes, and partly expresses their Fears (as we conceive not altogether Groundless) lest the Sect of Quakers, already too numerous, should, by this new Indulgence be greatly multiplied; and lest the Honour of Religion, should any ways suffer, and the Foundations of Government be shaken, by what is intended; both which, it is the particular Duty of their Function, to uphold and secure: We are not therefore Apprehensive, that it misbecame their Characters, to interpose on any of these important Points; and the way in which they have done it, must seem to us free from Exception, till some Passage in their Petition is pitched upon as Obnoxious, and Censured by the House, which yet has not been done.

III. Because the Petition suggests a particular Grievance, under which the Clergy will suffer by this Act more than any other Order of Men, which, as it had never been observed on the Debates of the Bill, so was allowed to deserve the Consideration of the House; and therefore had there been any other Part of their Petition less unexceptionable (as we apprehend there is not) yet we do not think that it was reasonable to lay aside the whole on that Account, and reject what was acknowledged fit to be considered, for the sake of what was thought improper to be offered.

IV. Because the Clergy of London, are not, in general, so liberally provided for, but that they have reason to be watchfull, in Relation to any Step that may unwarily be taken, towards diminishing their Maintenance: which we look upon as not duly proportioned to their Labours in populous Parishes, and to the various Employments given them by Infidels and Hereticks, Papists, and divers Sects of Men, dissenting from the Church Established by Law, with which this Metropolis is known to abound. And as their Situation, gives them near Opportunities of observing and knowing what may be stirr'd in Parliament, to the prejudice of their Order, so we cannot but think, that it becomes them to make use of that Advantage, in Behalf of their Distant Brethren, as often as need shall require, especially at a Time, when the Representatives of the Clergy are not attending in Convocation, and in a readiness to exert their known Right of applying to the Legislature on all such Occasions.

V. Because the London Clergy, from whence the Petition came, are in our Opinion, and have been always esteemed of great Consideration, with respect to their extensive Influence, and their Ability to be serviceable to the State, in Important Conjunctions; from this Body of Men, have proceeded many of the most Eminent Lights of the Church, and Ornaments of the Bishops Bench, especially since the Revolution; and in the Reign preceeding it, their never to be forgotten Labours put a stop to the Torrent of Popery, then ready to overflow us; on which and many other Accounts, we cannot but wish that the Applications, at any Time, made to this House, by the City Clergy, might be receiv'd with Regard and Tenderness, and a more than ordinary Indulgence allow'd them, at a Time, when so great Favours are about to be bestowed on the professed Oppugners of their Function and Maintenance.

VI. Because, by Experience, we find, that the Treating in this manner, a Petition, from any great and considerable Body of Men, is not the best way to allay the jealousies and extinguish the uneasiness that occasioned it, a very contrary Effect having followed according to the best of our Observation, from the rejecting a Petition lately offered by the CITY of LONDON; And the oftner such Instances are repeated, the more we fear the Disaffection of the People will Encrease, who think themselves under Hardships, from which they desire to be relieved, may look upon it as a New, and yet greater Hardship not to be Heard. And tho' the Modest, and Dutiful demeanour of the Clergy, should no ways contribute to these Consequences, yet we know not how far this may be the Case, with respect to their Flocks, to whom their Persons and Characters are dear, and who may therefore be induced, by the Reverence they bear to their Pastors, to express as much

much Concern on their account, as they would on their own, for which Reason, it was our earnest Desire, that this Second, and in our Opinion, dangerous Experiment might have not been made.

W. Ebor,	Strafford,	Guildford,	Cowper
Weston,	Foley,	Uxbridge,	North and Grey,
Aberdeen,	Scarsdale,	Gower,	Bathurst,
Compton,	Trevor,	Montjoy,	Bristol,
Bingley,	Fr. Roffen,	Coningsby	St. John de Blet.

Die Veneris 19^o January, 1721

Hodie 3^o vice lecta est Billa, Entituled, An Act for Granting the People called Quakers such Forms of Affirmation, or Declaration, as may remove the Difficulties which many of them lie under.

The Question was put, whether this Bill shall pass.

It was Resolved in the Affirmative.

W. Cant.

Jo. Oxon.

Dissentient.

I. Because the Priviledges allow'd by this Bill to the Quakers, are without Example, and no way proportioned to the steps formerly taken, towards a gradual Indulgence of them, for whereas they have been hitherto under the real Obligation of an Oath, tho' dispens'd with as to some Formalities, with respect to the manner of Wording, and taking it, they are now altogether released both from the Form, and Substance of an Oath, and admitted to profess Fidelity, and give Testimony upon their simple Affirmation, nor are these great Privileges Indulged to them, as the Lefs were, from Time to Time, and by Degrees; but at once are made Perpetual.

II. Because, We look upon the Quakers, who reject the Two Sacraments of *Christ*, and are, as far as they so do, Unworthy of the Name of *Christians*, to be on that Account Unworthy also of Receiving such distinguishing Marks of Favour.

III. Because the Quakers, as they Renounce the Institution of *Christ*, so have not given even the Evidence by Law required of their Belief of his Divinity, it no ways appearing to us (nor do we believe it can be made appear) that ever since they were first Indulged, I. W. and M. one Quaker in an Hundred hath subscribed the Profession of Christian Belief, directed by that Act, nor could we, upon a Motion made in the House, prevail that they should even now be obliged, by such previous Subscription to entitle themselves, to the New and Extraordinary Favours designed them; the Consequences of which, must, in our Opinion, be, that they will Encourage themselves yet farther in their Aversion to subscribe that Profession of Christian Belief, which they seem more to decline than ever they did, the taking an Oath; since great Numbers of them have Sworn, tho' very few have Subscribed that Profession, nor are we without Apprehensions, that it may reflect some Dishonour on the Christian Faith, if the Evidence given by such Persons on their bare Word, shall, by Law, be judged of equal Credit with the Solemn Oath of an acknowledged Christian, and sincere Member of the Established Communion.

IV. Because we look upon it as highly unreasonable, that in a Kingdom, where the Nobles, the Clergy and Commons are oblig'd to Swear Fealty to the Crown, and even the Sovereign Himself, takes an Oath at his Coronation, a particular Sett of Men, who refuse to serve the State, either as Civil Officers or Soldiers should be entirely releas'd from that Obligation, since 'tis natural to expect that Persons thus Indulged, as to the manner of professing, and the measure of performing their Allegiance, should, by Degrees, be induced totally to withdraw it, till they become as bad Subjects as Christians.

V. Because, tho' such extraordinary Priviledges are allow'd, to the Sect of Quakers by this Bill, yet there is no Mark or Test prescrib'd by it, or by any other Act, by which it may certainly be known who are Quakers, and consequently, who are, or are not Entituled to those Priviledges, from whence this Inconveniency may arise,

That many not really Quakers, may yet shelter themselves under the Cover of that Name, on purpose to be released from the Obligation of Oaths. It not being we conceive in the Power of the Magistrate, as this Bill stands, to oblige any Person to take an Oath, who at the time of tendering of it, shall profess himself a Quaker, so that the Concessions now made to that Sect, may prove a great inlet to Hypocrisy and Falschood, and will naturally tend towards Increasing their Numbers, which we rather wish may be every Day Diminished.

VI. Because we do not apprehend, that the Quakers, as a Sect, are really under such Scruples in point of an Oath, that it is necessary to ease them by such an Act, few of them having for Five and Twenty Years past, since their Solemn Affirmation, equivalent to an Oath, was enacted, ever refused to comply with it; and should this have now and then happen'd, yet, when the great Body of any Sectaries are not at ease in their Consciences, the Scruples of a few, we think, ought not to be regarded, especially, if continuing the Law now in Force, will probably extinguish these Scruples, and the Repeal of it will certainly give new Life and Strength to them.

VII. Because, the Security of the Subjects Property, which depends upon Testimony, seems, to us, to be lessen'd by this Act; the Reverence of an Oath having been always observed to operate further toward the Discovery of Truth, than any other less Solemn Form of Affeuration; nor can the Quakers be excepted in this Case, whose awful Apprehensions of an Oath, appear from their earnest Endeavours to decline it; and therefore where the payment of Tythes, by them, held to be sinful is concerned, they will have strong Inducements to disguise the Truth in what they simply affirm, rather than wound their Consciences and Credit, by contributing towards the Support of such an Anti-Christian Payment: In other cases of Property, their Interest only will clash with their Veracity, but the double Motive of Interest and Conscience will influence them in respect to the Clergy, whose Calling and Maintenance they equally condemn.

VIII. Because the Inducement mentioned in the Bill towards granting the Quakers these Favours, that they are well affected to the Government (a Position of which we have some doubt) might, we apprehend, be improved into a Reason for granting like Favours to Deists, Arians, Jews, and even Heathens themselves, all of which may possibly be, as some of them certainly are, Friends to the Government; however, their Friendship, we presume, would be cultivated at too great an Expence, if for the sake of it any Thing should be done by the Legislature, which might weaken the Security of all Governments, an Oath, and by that means, do more Mischief in the State in one respect, than it brought Advantage in another; and we, the rather, thus chuse to Reason, because an Argument was urged in the Debate, and no ways disallowed, That if Heathens themselves were equally of Use to the State, as the Quakers are, they ought, also, equally by Law to be Indulged; whereas our firm Perswasion is, that as no Man should be persecuted for his Opinion in Religion, so, neither should any Man, who is known to avow Principles destructive to Christianity, however useful he may otherwise be to the State, be encouraged by a Law, made purposely in his Favour, to continue in those Principles.

W. Ebor.

Fr. Roffen,

Fr. Cestriens,

Strafford,

Gower,

Montjoy,

St. John de Blesfoe,

Salisbury,

Aberdeen,

Trevor,

Compton.

Die Jovis 25^o Januarii, 1721.

Resolved, That it is the Opinion of this Committee, That the Employing great Numbers of Seamen for several Years last past, more than were provided for by Parliament; and thereby increasing the Debt of the Navy, was occasioned by Services, which either were pursuant to the previous Advice, or had the subsequent Approbation of one, or both Houses of Parliament; and which

were also necessary for the Safety of the Kingdom, and the Tranquility of Europe.

And the Question being put, Whether to agree with the Committee?

It was Resolved in the Affirmative.

Dissentient.

I. Because the Question seems to Us, to clash with the Instructions from whence it sprung, which was to consider of the Occasion of the increase of the Navy-Debt, that arose from employing more Men in the Sea-Service than were provided for by Parliament, Whereas from the Resolution, it appears only, that the Services occasion'd the Debt, not what real Occasion or Reason there was for those Services, which yet was the Point We suppose chiefly in view, and most worthy of a Parliamentary Inquiry.

II. Because those Services are, in this Resolution, supposed to be justified by the previous Advice, or subsequent Approbation of one, or both Houses of Parliament: Whereas it did not any ways appear to Us, That either House of Parliament had previously advis'd, or subsequently approved such Services, tho' the Vouchers, in that respect, were often, and earnestly required; nor doth it appear to Us, how that Assertion is warranted, either by general Expressions in Votes and Addresses, or by a State of the Navy-Debt, communicated every Year to the Parliament? and therefore being still in the Dark, as to the Evidence pointed at, We could wish that the growth of the Navy-Debt had been explained, and justified by an Enquiry into the Ends and Reasons for which it was contracted; but this way not being taken, nor being possible to be taken, till the Treaties, Instructions and Orders, requisite to this purpose, are produced: We know not in what Sense either those Sea-Services, or that great Navy-Debt they caused, may be said to have been approved by this, or the other House of Parliament.

III. But had we been duly informed of the true Motives upon which those Services were undertaken, and thereby enabled to judge of their Reasonableness (as We think, we in no Degree were) Yet still we must be of Opinion, that those Considerations, how important soever, would not have justified the exceeding the number of Men, asked of, and allowed by Parliament; which nothing but absolute and unforeseen Necessity can ever excuse; whereas the Occasions of these extraordinary Expences were foreseen, and the Fleets were sent out for many Years successively, fitting the Parliament? without any previous Demands made of such Supplies, as were proportioned to the Expence intended: And we are further of Opinion, that when ever such a Debt is unavoidably incurred, it should be especially stated to the Parliament, together with the Necessity that occasioned it at their next Assembly, that the Excuse may be then either allowed or Censured, and the Exceeding provided for in time, instead of being suffered to run on for many Years together, till an insupportable Debt is contracted without any other Notice taken of the Reasons of its growth, than the laying Annually, a general state of the Debt on the Table of the House of Commons. This we conceive to have been the Case, and if it be, do not err, We think, in affirming, that had the Services appeared to have been necessary, yet this manner of increasing the Debt, would not have been warranted.

IV. Nor can We comprehend how the Safety of the Kingdom depended upon those extraordinary Services, some of which were performed in the *Mediterranean*, others in the *Baltick*, against Powers not at Enmity with *Great-Britain*; whose Friendship (it seems to Us) we should rather have cultivated, and whose Resentments we had, and still have (We fear) reason to apprehend.

We cannot but think it the true Interest of *Great-Britain*, to intermeddle, as little as possible, in the Quarrels of *Europe*, and then by our good Offices chiefly, without declaring any Resolution to support our Mediation by Force, or making ourselves either Principals or Parties in Wars, that do not immediately concern us. We look upon our Navy (the natural Security of our Island) as too much hazarded, and some chief Branches of our Trade as highly endangered by the Consequences of those remote Expeditions; nor are we yet satisfied, that the Peace, by us mediated, and concluded in the *North*, hath not made the Provision of Na-

val Stores for our Fleets more precarious than formerly, tho' on that single Article, the Safety of the Kingdom may possibly depend; nor can we judge the present Tranquillity likely to last, since, after all our Expence, the late Northern Peace hath reduced Sweden so low, and left the Czar in the Possession of such Provinces, as may render him very formidable; and what Matters may still remain unadjusted in Treaties, whereby the present Tranquillity may soon be disturbed, we cannot determine, since we have not been indulged in our Desire of inspecting those Treaties.

W. Ebor.	Comper,	Uxbridge,	Boyle,
F. Roffen,	Tredor,	Strafford,	Bathurst,
F. Cestriens.	Northland Grey,	Bristol,	Scarsdale,
	Weston,	Aylesford,	Gower,
	Compton,	Guilford,	Aberdeen,
	Foley,	St. John de Blefsee,	

Die Jovis 25^o Januarii, 1721.

The Order of the Day (for the House to be in a Committee, to take into further Consideration, the Causes of contracting so large a Navy-Debt; and the Instruction to the said Committee, That they do, in the first Place, consider of the Occasion of that part of the said Debt, which arises from having employed more Men in the Sea-service, in any Year, than were provided for by Parliament for such Year, and from the not paying off all the Sea-men at Winter) being called for.

A Motion was made, that the Authentick Copies, of the several Treaties, Instructions and Orders, relating to the British Squadrons, being sent into the Baltick, for several Years last past, be laid before this House, that the true Occasion of that part of the Navy Debt, which the Committee is instructed to consider, in the first place may better appear, as also, that the Act of Settlement has not been infringed, by those Northern Expeditions;

And a Question being stated thereupon, and put,
It was Resolv'd in the Negative.

Dissentiens.

Because it being now admitted by the House, in the Instruction given to the Committee, That the Navy-Debt was increased, by employing more Men in the Sea Service than were provided for by Parliament, and by not paying them off in the Winter; the Intention of the House, in that Instruction, must, in our Opinion, manifestly be, to direct the Committee, to enquire into the true Occasion and reasonableness of those Services, by which the Navy Debt was increased; and that End, could not, we think, be any ways attained without a sight of these Treaties, Instructions and Orders, upon which those Services were founded; since the considering the Occasion of an extraordinary acknowledged Expence must, we conceive, imply an Inquiry into the true Causes for which such an Expence was made; we did therefore think it necessary to desire Copies of the Treaties, Instructions and Orders relating to the several Baltick Expeditions, because, without them, we could not possibly learn the true Reasons of those Expeditions. And it seemed to Us incongruous, that the House should direct an Enquiry, and not contribute to it, by directing also those Materials to be laid before the Committee, which alone could render such an Enquiry effectual.

II. Because the want of such Authentick Papers and Instruments could no ways, we think, be supplied by any Verbal Representations that might be made by Lords in the Ministry, as Facts occurred to their Memory in the Debate, this being no sufficient Foundation for any Parliamentary Inquiry much less for such a one as tends to approve, excuse or blame the Measures of those in Power, since we cannot think it suitable, either to the Rules of Reason, or the Dignity of Parliament, to proceed to Resolutions relating to the Conduct of Ministers upon Facts stated by the Ministers themselves.

III. Because Motions for such Papers and Instruments have been frequently made and complied with; nor hath any such Motion ever (as far as we can learn) till
of

of late been refused. The only Paper included in the general Motion, that we thought any ways doubtful, whether we should obtain, was the Lord *Carteret's* Instructions, which was moved for before in this Session without Success. However, we had Hopes of prevailing even for a sight of that Paper, when it became necessary, as we apprehend, to qualify the Committee of the whole House, to do the Work appointed by the House.

IV. Because the great Increase of the Navy-Debt, arose from the frequent sending of strong Squadrons to the *Baltick*, and continuing them there at Seasons of the Year, when the *British* Fleet has seldom been known to be employ'd so far from home, and in so rugged a Climate, and therefore we thought it reasonable to expect the fullest Satisfaction in our Enquiries into the Grounds of Expeditions, which had been carried on in so unusual, expence and hazardous a manner; which the more extraordinary they were, the more they needed, in every respect, to be cleared and justified, that the misapprehensions prevailing without Doors, in relation to those *Northern* Transactions might be rectified, and such Presidents might not remain without the Reasons on which they were founded; whereas, we are now apprehensive that any Resolutions on this Head, may lose much of their Weight and Influence, should they be known to have been framed upon Facts barely asserted by Ministers, without Evidence of any sort, to prove the Truth of those Facts.

V. Because one great view we had in our Motion for these Papers, was to satisfy ourselves, and others, that the Act of Settlement had been no ways infringed by these *Northern* Expeditions; a Point of the utmost consequence to the present Establishment; and on which, therefore, all our Care and Circumspection ought to be employed: 'Tis the Birth-right of the Peerage, as to concur in the enacting all Laws, so to enquire into the Observation of them; and the more momentous the Law is, the more it becomes us to consider how far it hath, or hath not, been violated; and one great Inducement to our enquiry into the Observation of this Law, was the jealousy entertained (as we conceive) on that Head by many of his Majesty's good Subjects, observing that the War in the *North* ended, at last, in a Peace, which stripped *Sweden* of all its best Provinces, and confirm'd the Acquisition of them to the several *Northern* Powers concern'd, without any particular Advantage, that we hear of, stipulated in behalf of *Great-Britain*, besides that of a new Guarranty for the Protestant Succession: A sight of the said Treaties, Instructions and Orders, might, perhaps, have dispelled these Apprehensions, and therefore we thought it our Duty to move for them, and to express our Concern, that such a Motion was over-ruled: For we cannot think the Argument use for discouraging Us from insisting on that Motion [that it amounted to an Enquiry, whether the King had broke his Coronation Oath] was consistent with the Freedom of Parliament, or agreeable to the known Rules of our Constitution; which free the Crown from all Blame, and suppose those, only, who give pernicious Counsels, answerable for the fatal Effects of them.

W. Ebor.
F. Roffen,
F. Gestrings,

Cowper,
Trevor,
North and Grey,
Weston,
Compton,
Uxbridge,
Bingley.

Strafford,
Bristol,
Aylesford,
Guilford,
Boyle,
Bathurst,

Scarsdale,
Gower,
Aberdeen
Foley,
St. John de Bletsoe,
Montjoy.

Die Fovis 25^o Januarii, 1721.

Resolved, That it is the Opinion of this Committee, That the Nature of the said Services, necessarily requiring some of his Majesty's Squadrons to be kept out the whole Year, and detaining others abroad 'till the Months of November and December; and it being requisite to fit out the said Squadrons in the Months of February, or beginning of March, in Order to their sailing early in the Spring, the paying them off, upon their return, was inconsistent with the due Performance of those Services, nor could the saving (if any) by such payment

payment have, in any degree, made amends for the ill Consequences, which must thereby have arisen from the disappointment to the Service.

And the Question being put, Whether to agree with the Committee?

It was Resolved in the Affirmative.

Dissentient.

I. Because that part of the Question which concerns such of his Majesty's Ships, as are said, but not proved, to have been necessarily kept out the whole Year, has not the least Relation, as we conceive, to any thing that has been yet objected to, which was not paying Ships that came home before the Winter, and ought by the Ancient Usage of the Navy, to have been paid off; and therefore, We cannot but think, was very improperly made part of the Question.

II. Because, it being admitted in the Question, That the Ancient Usage of the Navy was, That all Ships when they return'd home, from their several Voyages, should not be kept in pay during the Winter, (as was the Case of the late *Baltick* Squadron for some Years last past) and it not having been made appear, as we think, in a Parliamentary Way, that by any Treaty with *Sweden*, it was necessary to send Ships sooner in any Year, than might have been consistent with the said Ancient Usage; We are of Opinion, that this Resolution will encourage the Practice complained of, and will greatly contribute to make Fleets (so much the Honour and Security of this Kingdom) too Chargeable to be supported.

III. Because we cannot but be surprized, there should be the least Doubt (as in the Question) whether any Money might have been saved, by paying off the Men, when it appears by a Paper upon the Table, that several Ships Companies amounting to many Thousands of Men, have been kept in Pay during the Winter, which Expence, we cannot but think, ought to be avoided, it appearing from other Papers and Representations upon the Table, that by paying the Men off, more than five Parts in six of the whole Charge of those Men, during Winter, had been saved to the Publick.

IV. Because a Resolution of this House that seems to Countenance a Practice of this sort (at a Time when every Way of getting Money, at the Expence of the Publick, is not found to be less in Peoples Thoughts than formerly) may, probably, encourage those who shall have opportunity, in future Times, readily to contribute towards the increase of Navy-Debts, tho' they are attended with so many ill Consequences, that his Majesty in a most Gracious Speech from the Throne, has very lately been pleased to say, they do not only affect all Publick Credit, but greatly increase the Charge and Expence of the Current Service, and are, of all others, the most heavy and burthensome.

W. Ebor.

Fr. Cestriens,

Fr. Roffen,

Cowper,

Uxbridge,

Boyle,

Trevor,

Strafford,

Foley,

Bathurst,

North and Grey,

Bristol,

Scarsdale,

Weston,

St. John de Bletsoe,

Aylesford,

Gower,

Compton,

Guilford,

Aberdeen.

Die Jovis 1^o Februarii, 1721.

A Motion was made, and the Question was put, That the Victualling his Majesty's Ships by any other than the Victuallers appointed for that Service, or their Agents, is contrary to the course of the Navy; and by taking away the proper Cheques, is one Cause of contracting so large a Navy-Debt:

It was Resolved in the Negative.

Dissentient.

I. Because, it being unquestionably the Ancient course of the Navy to Victual all his Majesty's Ships, above sixth Rates, by the Commissioners of the Victualling

Victualling, or their Agents, unless in case of Necessity; and it appearing to us, by a Paper return'd before this House, from the Victualling-Office, that many Ships, and Squadrons of Ships, have been of late Years Victual'd by the Commanders, very few of which were so Victual'd by any Order; and amongst those many Instances, a few only were excus'd, because there were no Agents for the Victualling Office; nor any Stores in the Places where the Ships then were: we think it reasonable to conclude, that all the several Victuallings in the said Papers contained, being much the greater Number, which were neither excus'd therein, nor said to be Ordered, were so provided without any Order or Excuse whatsoever, and, consequently, were a needless Breach of the said good Course of the Navy; and by taking away the proper Cheque made to save the publick Money, must in our Opinion, necessarily have been one of the Occasions of the Increase of the Navy-Debt.

II. We cannot but Observe, that if the said Excuse had (in the Paper above-mentioned) been applied to all the several Instances there, of Victualling in a manner contrary to the Course of the Navy, yet it had been sufficient, since it is not alledged that Agents for the Victualling and Stores, might not have been timely had in the Places where the Ships were Victualled, if due Notice had been given to the Commissioners of the Victualling, and proper Precautions and Endeavours had been us'd to that End.

III. We cannot but think, that carrying this Question in the Negative, will undoubtedly Encourage this Breach, of the Course of the Navy, as it is acknowledged to be, and in Consequence put it into the Power of every Admiral or Commander in chief of any Squadron, and every Commander of a particular Ship, not only to furnish such Provisions, both in Quantity and Quality, as they shall think fit, but by letting the Men go on Shore, when in Port, on Pretence of supplying Provisions, leave a Charge on the Publick, for want of a proper Cheque, tho' to the Detriment of the Sea Service.

IV. Because by this leave given to the Commanders on the Head of Victualling they have it in their Power (thro' the want of the said true and ancient Cheque) to bring a very great Charge upon the Head of Wages, which must undoubtedly, as we apprehend, occasion a great waste of the publick Treasure, and consequently, an increase of the Navy Debt.

V. Because we think, that to suppose the Commander of any Squadron or Ship, will not, when it is intirely in his Power, do what shall be for his Interest, is, to believe him less inclined to his Interest, than the generality of his Fellow Subjects on Shore.

VI. Because we believe, if this House will not discourage taking away proper Cheques, till Proof had (as urg'd in the Debate) of what had been got by Individuals, for want of those Cheques, the Delay and Difficulties attending such an Inquiry, will probably hinder any Discouragement being given to such Practices, which are allowed to be contrary to the standing Instructions to the Commissioners of the Victualling, and to the Commanders of his Majesties Ships.

*W. Ebor,
Litchfield,
North and Grey,
Trevor,
Bingley*

*Scarsdale,
Bristol,
Boyle,
Aylesford,
Bathurst*

*Strafford,
Guilford,
St. John de Bletsoe,
Craven,*

Die Sabbati 3^o February, 1721.

A Motion was made to Adjourn.

The Question was put, Whether this House shall be now Adjourned till Monday Morning at Eleven a-Clock.

It was Resolved in the Negative.

F

Because

Dissentient,

Because the House, standing adjourned this Day at Eleven a-Clock, and a great number of *Lords* being met, and expecting the coming of their Speaker till near 3 a-Clock they seemed to Us, generally to resent this Usage, and without any Dissent, as we could perceive proceeded according to the standing Order of the House, towards choosing a Speaker, but meeting with some Difficulties, as to the Persons Nominated, the Lord Chancellor came before any Choice made; and as soon as the House was sat, the Lord Chancellor alledg'd, as the Reason of his long Absence, that he had been Summoned to Attend his Majesty at St. James's where the Business had lasted much longer, then was expected; which Excuse tho' it might in a great measure free the Lord Chancellor from the Imputation of wilful neglect of Duty, yet seems to Us, in no degree, to justify the Indignity, which we think was upon the whole matter done to the House, which is, undoubtedly, the Greatest Council in the Kingdom, to which all other Councils ought to give way, and not that to any other; and therefore the Business of any other Council, ought not to have detained the Speaker of this House, after the Hour appointed for its meeting, and during the Time of the Day, the House had usually of late spent in Business. And therefore, We thought it the least Resentment the House could shew on this Occasion, to prevent its being used so for the Future, was to Adjourn, without entering on any Business; and this the rather, because we foresaw, it could not obstruct any Publick Affairs, since the Time was so far spent, that no Business of Consequence could well have been gone thro' with Effect, tho' entered upon.

Secondly, As We may venture to say, that the Dignity of this House, has not been of late Years increased, so we are unwilling, that any thing we conceive, to be a gross Neglect of it, should pass, without some Note on our Records, that we were sensible of such Neglect, and did not approve it, which we thought would have been in some measure attained by an immediate Adjournment. Nor was any other Method proposed; and since that could not be Effectuated, we enter this Dissent with our Reasons, that it may appear to Posterity, we were zealous to withstand in the manner proposed, the further progress of a Practice so injurious, as we conceive, to the Honour and Authority of this Supream Council.

W. Ebor,
F. Cestriens,

Uxbridge,
Litchfield,
Osborne,
Foley,
Bingley,
Bristol,
Craven,

Montjoy,
Boyle,
Strafford,
Cowper,
Compton,
Bathurst,
Aberdeen,

Weston,
Ashburnham,
Guilford,
Scarsdale,
North and Grey,
Maynard,

Die Martis 13^o February, 1721

Hodie 2^o vice lecta est Bella, An Act, for better securing the Freedom of Elections of Members to serve for the Commons in Parliament.

And the Question being put, whether this Bill shall be committed,

It was Resolved in the Negative.

Then the Question being put, whether this Bill shall be rejected,

It was Resolved in the Affirmative.

Somerset,

Dissentient,

I. Because the Methods of Corruption made use of in Elections, are now grown to a Height beyond the Example of preceeding Times, are of all others the greatest Blemish to our Constitution; and must, if not remedied, prove fatal to it; and did therefore chiefly deserve as they can only admit of a Parliamentary Care.

II. Because the Commons, who are best qualified to judge of the Growth of this Evil, and to point out proper Remedies for it, having sent up a Bill complaining of the one, and desiring our Assistance in the other, it was not, we apprehend, suitable to the Dignity and Wisdom of this House, to reject such a Bill, without entering into a free discussion of the Particulars of which it consisted, and thereby to give a Handle for Reflection without Doors, as if we had shewn a less degree

degree of Zeal against the Corruptions complained of, than those from whose Elections they sprung; our Opinion is, that we should rather have taken this favourable Opportunity of joining our Endeavours with theirs, towards the Cure of this Evil, than have made our selves liable to Objections, for refusing to Attempt it, even after such an encouraging Step, taken by the House of Commons.

III. Because a Law against Corruption, tho' always desirable, is yet particularly seasonable and necessary, at such a Juncture as this, when new Elections of Members are coming on, and the Parliament, for which they shall by what Method soever be Chosen, may continue for Seven Years, and we think, the Lords are the more concerned, to obviate the ill Consequences of such a Choice, because the *Septennial Act*, which made so remarkably a Change in our Constitution, had its Rise from this House.

IV. Because we are perswaded, that by the Terror of the Penalties contained in this Bill, which were to have operated, soon after it had passed into a Law, a mighty Check would have been given to the growth of Corruption, tho' it should not have been absolutely cured, and we are confirmed in this Opinion, by what we have heard, and believe, that while the Bill was depending in Parliament, and the Fate of it unknown, the infamous Practices at which it was levell'd, were, in some measure, suspended; and should a further stop have been put to Corruption and Bribery, at the approaching Election, by the passing this Bill, such a degree of Success, might have given the Legislature hopes of an entire Suppression of it.

V. Because, supposing this Bill to have been defective in some respects, and not well adjusted in others, to the end design'd, (a Supposition made, but not admitted by us) yet the true way of supplying those Defects, and making all proper Alterations, would have been by committing the Bill and not by rejecting it. In other cases, where a Bill of Publick concern is laid aside by the House, they can easily make amends for that loss, by bringing in a new one, which may more effectually answer the End proposed; whereas in this Case neither is there Time sufficient for repeating the Attempt, nor can any Bill of this kind, be ever begun in this House, with any reasonable prospect of Success.

VI. Because the Intention of many chief Clauses in the Bill, is to provide for the more effectual Execution of Laws already made, to secure the Freedom of Elections, but hitherto evaded for want of such Provisions, and we know not that any Arguments hath been, or can be used against passing such parts of this Bill into a Law, but what may, with equal or greater strength, be urged for repealing those Laws, which yet are held Sacred and Inviolable.

VII. Because several Oaths are By-Laws now in being, required to qualifie Electors; and the Oaths enjoyned by this Bill, are intended only to strengthen the Obligations, under which such Electors do, by the known Rules of our Constitution already lye; nor are these Oaths attended with any new Hardship or Difficulty, since they relate only to plain matters of Fact, which are certainly known to the Electors themselves, and which they will be ready to attest with all solemnity, if they are conscious of their own Innocency, in point of Corruption; and if they are not, the legal Punishment of Perjury, to which they are subjected, is light in comparison of the heinous Nature of their Offence, and the mischievous Consequences of it.

VIII. Because that part of the Bill, which forbids the Issuing of publick Money towards influencing Elections, relates to a Method of Corruption, which, of all others, ought the most carefully to be guarded against, and yet was admitted in the Debates, to have been frequently practis'd; and therefore we cannot but wish that this Bill had passed into a Law, for the sake of that Clause, which would have hindered what was given for the Security of the Subjects Rights and the safety of the Kingdom, from being ever employed to the Destruction of both. An Example, if thus set by Men in high Offices and Stations, cannot fail of spreading its Influence, thro' all Ranks and Orders of Men, and procuring Impunity and Applause, for such Practices as all true Lovers of their Country, must with might be universally Detested and Punished.

Because, we cannot understand, how the Objection made to this Bill, [that it removes Foundations] can with any Colour of Reason be supported, on the

contrary, we think that the whole Design is to recover our Old Constitution and re settle it on those firm Foundations, from which it has been removed, ever since Bribery has been made an usual Inlet to Parliament, and that Dangerous Traffick has been carried on, between the Electors and the Elected, which has undermined the Virtuous Principles, and may prove fatal to the Liberty of the Free People of this Realm.

Because, Another Argument insisted on in Prejudice of the Bill, [that it would give the House of Commons a greater Latitude, in dividing disputed Elections] seems to us to be equally Groundless; for the Penalties intended to be Enacted by this by Bill, are to take place only upon Prosecutions, in the ordinary Courts of Justice, and cannot come under the Cognizance, or be inflicted by the Authority of the House of Commons, nor can the Courts below be checked in their Proceedings on this Head, by the determination of that House, with which the Methods of punishing Corruption prescribed by this Bill, do not in the least interfere; what therefore, was alledged in the Debate, can by no means be allowed, that while the Commons are the sole Judges of Elections, 'tis in vain to think of restraining the Corruption of Electors, since the Methods here prescribed are such, as either Operate on the Consciences, or will in the common course of Law execute themselves; and tho' they may be forwarded, yet cannot be frustrated by the Intervention of an House of Commons.

Because as the passing of this Bill would have been attended with no Inconveniences to the Publick, so great Mischiefs may, we apprehend, to ensue upon the rejecting it, the Honour of this House may suffer on that Account, and Corruption of all sorts, will, we fear, receive new Life and Encouragement: It being a Matter of daily and certain Observation, that whenever a Bill is brought into Parliament, to redress any great Disorders in the State, and any Discountenance given to such a Bill, will always countenance and increase such Disorders, and make them less capable of a Remedy in succeeding Times, especially when it shall be affirmed in the Debate, That all Bills of this kind do more Mischief than good. Which way of reasoning, should it prevail, would effectually prevent all future Attempts towards curing this great Evil, and preserving the Constitution of Parliament.

F. Cestriens.
F. Roffen,

Scarisdale
Strafford,
Salisbury,
North and Grey,
Guilford,
Bristol,
Trevor,
Kent,

Litchfield,
Craven,
Tadcaster,
Maynard,
Montjoy,
Uxbridge,
Bathurst,
Aberdeen,

Aylesford,
Boyle,
Weston,
Compton.
Marsham,
Foley
Bingley.

Die Lunæ 13^o Februarii, 1721.

The Order was read, for taking into Consideration the Protestation enter'd in the Journal of this House, the 13th of this Instant February.

And the several Reasons for the Protestation being read, after Debate.

The Question was put, Whether the entire Entry of the Reasons for the said Protestation of the 13th Instant, shall be expunged.

It was Resolved in the Affirmative.

Dissentient.

I. Because, we are of Opinion, that the Reasons expung'd, were both, as to Matter and Form of them, agreeable to Presidents in former Parliaments, still remaining on the Journals, uncensured by the House.

II. Because we were very desirous, that the Arguments contained in those Reasons against Bribery and Corruption in Elections, and our Zeal for obtaining

ing such Remedies, as were proposed by the *Commons* themselves, might appear to Posterity as fully, and particularly, as possible.

III. Because, as the Practice of expunging Reasons is not Ancient, so, the Method taken, upon this Occasion, of expunging many Reasons of various kinds, by one general Question, is, we conceive, unreasonable in itself, and is countenanced but by one President on our Books.

*W. Ebor.
Strafford,
Litchfield,
Cowper,
Aylesford,
North and Grey,
F. Cestriens,*

*Bristol,
Maynard,
Weston,
Guilford,
Boyle,
Asbournham,
F. Roffen,*

*Foley,
Bathurst,
Compton,
Montjoy,
Bingley,
Aberdeen.*

Die Luna 19^o Februarii, 1721.

The Order of the Day, for the House to be in a Committee again, to take into further Consideration, the Causes of contracting so large a Navy-Debt, being Read,

A Motion was made, That the House be put into the said Committee on this Day three Weeks.

After Debate,

The Question was put, That the House be put into a Committee again, to take into further Consideration, the Causes of Contracting so large a Navy Debt, on this Day three Weeks?

It was Resolved in the Affirmative.

Dissentient.

I. Because the putting off the farther Consideration of the Causes of the Navy-Debt, to so distant a Day, after so long an Adjournment of the same Matter already had, is, as We conceive, not only a Discouragement and Delay, but, as the Session may happen to End, will totally prevent (at least, during this Session that Enquiry, which, as we apprehend, would greatly have tended to the Publick Good, in hindring so large a Navy-Debt from being contracted for the future.

II. Although the said Enquiry has been a great while depending, yet a very few Days only it appears, by the Journal, have been allowed for it, and one of those was employed in reviewing two Questions, which were, at first, kept from being put, by previous Questions, and therefore, We conceive, a few Days more ought not to have been denied, for the looking into a Matter of so very great Importance to the Publick.

III. We apprehend that all Matters properly brought before either House of Parliament, especially, Enquiries into Mismanagements of the Publick Business, ought, if the Time will allow, to be freely and fully discussed, and determined one Way or other; and ought not to be kept from coming to any Determination by one long Adjournment after another, till the Session be ended.

IV. Because it was alledged in the Debate, as a Reason against so long an Adjournment, that the subject Matter of the Enquiry was not near exhausted, that the Points already considered, and determined, had no relation to those proposed to be considered in the fourth Enquiry, and, consequently, the Determination of the former, could, in no degree, prejudice the latter, or make the going upon them needless, or improper; and to evince this, several of the Particulars designed to have been proceeded upon, were specified. As,

That it appeared by Extracts of several Letters on the Table, especially by a Letter from the Navy-Board, dated the 13th of February, 1701, That the Practice of turning over Companies, or parts of Companies from one Ship to another, without

without their Officers, was a Charge to the Crown, by confounding Accompts, and otherwise, as well as disgustful to the Sea-men.

That by other Papers before the House, it appeared that several Squadrons have gone out, of late, without Muster-Masters, whose Office and Duty is to detect Fraud in Pay, and on the Head of Victualling.

That in the Year 1720, 2201 Men were employ'd in the Yard, more than in the Year 1714, and 2627 Men more than in the Year 1698; and that the Wages of those Men have, of late, been greatly increased; both which, for ought appeared to us, are an unaccountable increase of that Charge to the Publick.

That since the Year 1714, very many new Captains and Lieutenants of Ships have been made, while great numbers were kept in half-pay, and unemploy'd, (besides those created on Vacancies which happen'd while the Ships were abroad) and by that means an unnecessary Charge has been continued on the Publick, and the Elder Officers disobliged.

That without any Order, or Establishment by his Majesty in Council, Pay has been allowed contrary to the Usage of the Navy, to Flag Officers at Home, during the Winter, on Pretence of their making a Journey, or two, to see their Squadrons Equipped.

That without such Order or Establishment of his Majesty in Council, Captains and Commanders of small numbers of Ships, have been paid as Rear-Admirals, on Pretence of having Captains under them, and in but one Instance that we could observe, a Reason given why they had Captains under them, unless it was to colour their having such Pay.

V. And we are well assured, That, on farther enquiry, it will appear.

That new Lieutenants have been made abroad, and Old ones, fit to serve, sent home to be put in Half-pay.

That Flags have been paid in double or treble Capacities.

That Flags and other Officers have been paid, as in higher Stations than those they served in.

That two or three Flags, of the same sort, have been paid at the same time.

That Retrospections of Pay have been allow'd to Flags and other Officers.

All which being against the Ancient Oeconomy of the Navy, and wasteful of the publick Treasures, We think, should have been inquired into without loss of Time.

These Mismanagements, as we take 'em to be, and others might have appeared, on further Considerations of this matter, contributing, as we apprehend, to Waste the Publick Treasure, must necessarily have been, in a great degree, an Occasion of contracting so large a Navy-Debt. And therefore we are of Opinion, that one or more further Days which would probably have fallen within this Session, should have been appointed for the taking them into Consideration, which not being done, We the rather enter this Protest with our Reasons: As what, We hope, may give an Occasion to the Resuming the Thoughts of this Matter in another Session of Parliament.

5 0059

W. Ebor.
F. Roffen,
F. Cestriens.

Montjoy,
Asburnham,
Uxbridge,
Bristol,
Foley,
Strafford,
Boyle,
Aberdeen,

Bingley,
Aylesford,
North and Grey,
Compton,
Bathurst,
Cowper,
Guilford,
Litchfield.

Die

Die Martis 20 Februarii. 1721.

The Order of the Day for taking into Consideration the state of the National Debt, being read.

A Motion was made, and the Question was put, That it appears by the state of the Publick Debts before this House, That the same, exclusive of the Debt of the Navy, is increased between 31 December 1717. and the 31 December, 1720, at least the Sum of 2,300,000 Notwithstanding that the sinking Fund hath produced, within that time, 1,910,385,14 s. 8 d. $\frac{1}{4}$.

It was Resolved in the Negative.

Dissentient.

Because the Question consisted wholly of Matters of Fact, which were exactly agreeable to a Paper, laid before the House, by the proper Officers upon the Address of this House. And, as it is not reasonably to be presumed, that the Officers of the Crown would state the Debt higher than it really was, so We cannot but think nothing was alledged in the Debate, that made it appear, the Debt was less than stated in the Question, but, on the contrary, had the exact Quantum of the Debts, being material to have been enquired into, on this Occasion, it was evident to us, even from a Memorandum at the Bottom of the same Paper, that the Debt was, in reality, much higher the 31 December, 1720, then stated in the Question.

*W. Ebor
F. Cestriens.*

*Montjoy,
Strafford,
North and Grey,
Bristol,
Guilford,
Compton,*

*Bathurst,
Foley,
Cowper,
Weston,
Ashburnham,
Aberdeen.*

Then a Motion was made, that the lessening the Publick Debt, Annually, by all proper Methods, is necessary to the restoring and preserving the Publick Credit,

And a Question being Stated thereupon, after Debate,

The previous Question was put, Whether the said Question shall be now put?

It was Resolv'd in the Negative.

Dissentient,

I. Because, as the main Question is undeniably true, and seems, to Us, admitted to be so, by its being prevented to be put by the previous Question; so, We think, it would have been highly expedient, and useful to the Publick, to have it put, and Voted in the Affirmative; That by the declared Opinion of this House, (which must always be of the greatest Authority) those who are more immediately concern'd to take Care of the Publick Credit, might not rely on vain and deceitful Projects, for restoring and preserving the Credit of the Nation, but apply themselves seriously and diligently to bring about the only effectual Means of doing it.

II. Although so clear and evident a Truth, as is contained in the main Question, cannot, when proposed, but obtain the Consent of all, especially such as are qualified to be in great Stations, yet, at this Juncture, when the Publick is under so great Necessity, from the unexampled pressure of Debts, and when all other Remedies hitherto attempted, have proved ineffectually, if not mischievous, we cannot but conceive, it was extremely proper, and must have

greatly conduced to the restoring and preserving the publick Credit, to have quicken'd the Endeavours for that purpose, of all in the publick Service, by so high an Authority, as a Resolution of this House, not only pointing out to them the way they should take towards that good End, but intimating also, that as far, as is possible, to be attained, the doing so, would be expected from them. And therefore, we conceive the main Question, should have been put and voted, (as we think it must have been, had it been put) in the Affirmative.

W. Ebor.
Strafford,
North and Grey,
Bristol,
Guilford,

F. Cestriens
Compton,
Bathurst,
Foley,

Cowper,
Weston,
Asheburnham,
Aberdeen,

FINIS.



